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HASTINGS OUTLAW

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CHRISTIAN LEGAL SOCIETY CHAPTER OF  
UNIVERSITY OF CALIFORNIA, HASTINGS  
COLLEGE OF THE LAW, a/k/a HASTINGS  
CHRISTIAN FELLOWSHIP, a student  
organization at the University of California,  
Hastings College of the Law,

Plaintiff,

v.

MARY KAY KANE, in her official capacity as  
Chancellor and Dean of the University of  
California, Hastings College of the Law; JUDY  
CHAPMAN, in her official capacity as Director of  
Student Services for University of California,  
Hastings College of the Law; and MAUREEN E.  
CORCORAN, EUGENE L. FREELAND, CARIN  
T. FUJISAKI, JOHN T. KNOX, JAN  
LEWENHAUPT, JAMES E. MAHONEY,  
BRIAN D. MONAGHAN, BRUCE J. SIMON,  
JOHN K. SMITH, and TONY WEST, in their  
official capacities as the Board of Directors of  
University of California, Hastings College of the  
Law,

Defendants.

Case No.: C 04 4484 JSW

**DECLARATION OF MICHAEL W.  
FLYNN IN SUPPORT OF HASTINGS  
OUTLAW'S MOTION TO  
INTERVENE AS A PARTY  
DEFENDANT**

Date: July 15, 2005  
Time: 9:00 a.m.

The Honorable Jeffrey S. White

Complaint filed October 22, 2005

1 I, Michael W. Flynn, declare:

2 1. I am a law student at the University of California, Hastings College of the Law  
3 ("Hastings"). I am also a member and Co-Chair of Hastings OUTLAW ("Outlaw"). I make  
4 this declaration based on my personal knowledge, and if called upon to do so, I could and  
5 would competently testify to the matters stated herein.

6 2. Outlaw is a registered student organization at Hastings that seeks to combat  
7 discrimination on the basis of sexual orientation. The objective of the organization is to  
8 educate the Hastings community about issues and concerns specific to lesbians, gay men,  
9 bisexuals and transgendered students. In so doing, Outlaw strives to promote a positive  
10 atmosphere at Hastings for lesbians, gay men, bisexuals, and transgendered students.

11 3. Hastings requires all students to pay a student activity fee into a fund which is  
12 used to pay various expenses incurred by registered student organizations. Like each member  
13 of Outlaw, I am a Hastings student who has paid a student activity fee. I and other members of  
14 Outlaw object to the provision of any funds paid by Outlaw members to an organization that  
15 discriminates on the basis of sexual orientation.

16 4. I first learned of this lawsuit in the fall of 2004. Officials of Hastings, including  
17 the law school's general counsel, Elyse Traynum, told me at that time that Hastings would keep  
18 Outlaw informed of the status of the proceedings. However, Hastings did not inform me that a  
19 motion to dismiss had been filed or that a ruling was expected on that motion. It was only  
20 shortly after the Court's tentative ruling on Hastings' motion to dismiss in April 2005 that I  
21 learned that the suit had progressed. Once Outlaw discovered that the core First Amendment  
22 issues were expected to be resolved by cross-motions for summary judgment, Outlaw  
23 immediately retained counsel to bring a motion to intervene.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed May 19, 2005 in San Francisco, California.

26   
27 Michael W. Flynn